

R E M A R K S

The office action of October 18, 2005 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 and 7-8 remain in this case, claims 4-6 being cancelled and claims 7-8 being added by this response.

Applicant spoke to the Examiner on January 3, 2006 regarding the addition of new claims 7 and 8, dependent on now allowable claim 1. Examiner Johnson stated that the addition of the dependent claims would be approved of, as long as they were supported by the specification and the location of the support was pointed out.

Claim 1 was amended to fix typographical errors and to incorporate allowable claim 4. No new matter has been entered.

New claims 7 and 8 are fully supported on page 6, lines 12-13, 26-28 and page 8, lines 12-20. No new matter has been entered.

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

Rejection(s) under 35 U.S.C. §102

2. Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Mach (SU 1004-695-A).

Applicant respectfully disagrees with the rejection but in order to further prosecution has incorporated allowable claim 4 into claim 1.

Therefore, it is respectfully suggested that the rejection of independent claim 1 as being anticipated by Mach (SU 1004-695-A) is overcome. Newly added dependent claims 7 and 8, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations they contain. Reconsideration and withdrawal of the rejection are respectfully requested.

Double Patenting

4. Claims 1 and 4 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6 of copending application No. 10/693,561.

Applicant respectfully disagrees with the provisional rejection and at this time will not respond, since the claims of copending application No. 10/693,561, have not yet been examined by Examiner Marcus Charles at this time and since the rejection is provisional in nature. Reconsideration and withdrawal of the provisional rejection in this application is respectfully requested.

Allowable Subject Matter

5. Claim 4 was objected to as being dependent upon a rejected base claim, but the Examiner indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Such action has been taken, as noted in the preliminary comments above. Reconsideration and withdrawal of the objection are respectfully requested.

Conclusion

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

Foster et al.

By: 

Lynda Wood, Reg. No. 53,791

Attorney for Applicant

BROWN & MICHAELS, P.C.

400 M&T Bank Building - 118 N. Tioga St.

Ithaca, NY 14850

(607) 256-2000 • (607) 256-3628 (fax)

e-mail: docket@bpmlegal.com

Dated: January 6, 2006